



Rep. Karen May

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09500HB4391ham001

LRB095 16910 MJR 47182 a

1 AMENDMENT TO HOUSE BILL 4391

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4391 on page 1, line  
3 11, by replacing "licensed dentists," with "licensed dentists,  
4 licensed veterinarians,"; and

5 on page 53, immediately below line 12, by inserting the  
6 following:

7 "Section 120. The Veterinary Medicine and Surgery Practice  
8 Act of 2004 is amended by changing Section 25 as follows:

9 (225 ILCS 115/25) (from Ch. 111, par. 7025)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 25. Disciplinary actions.

12 1. The Department may refuse to issue or renew, or may  
13 revoke, suspend, place on probation, reprimand, or take other  
14 disciplinary action as the Department may deem appropriate,  
15 including fines not to exceed \$1,000 for each violation, with

1 regard to any license or certificate for any one or combination  
2 of the following:

3 A. Material misstatement in furnishing information to  
4 the Department.

5 B. Violations of this Act, or of the rules promulgated  
6 under this Act.

7 C. Conviction of any crime under the laws of the United  
8 States or any state or territory of the United States that  
9 is a felony or that is a misdemeanor, an essential element  
10 of which is dishonesty, or of any crime that is directly  
11 related to the practice of the profession.

12 D. Making any misrepresentation for the purpose of  
13 obtaining licensure or certification, or violating any  
14 provision of this Act or the rules promulgated under this  
15 Act pertaining to advertising.

16 E. Professional incompetence.

17 F. Gross malpractice.

18 G. Aiding or assisting another person in violating any  
19 provision of this Act or rules.

20 H. Failing, within 60 days, to provide information in  
21 response to a written request made by the Department.

22 I. Engaging in dishonorable, unethical, or  
23 unprofessional conduct of a character likely to deceive,  
24 defraud or harm the public.

25 J. Habitual or excessive use or addiction to alcohol,  
26 narcotics, stimulants, or any other chemical agent or drug

1 that results in the inability to practice with reasonable  
2 judgment, skill, or safety.

3 K. Discipline by another state, District of Columbia,  
4 territory, or foreign nation, if at least one of the  
5 grounds for the discipline is the same or substantially  
6 equivalent to those set forth herein.

7 L. Directly or indirectly giving to or receiving from  
8 any person, firm, corporation, partnership or association  
9 any fee, commission, rebate or other form of compensation  
10 for professional services not actually or personally  
11 rendered.

12 M. A finding by the Board that the licensee or  
13 certificate holder, after having his license or  
14 certificate placed on probationary status, has violated  
15 the terms of probation.

16 N. Willfully making or filing false records or reports  
17 in his practice, including but not limited to false records  
18 filed with State agencies or departments.

19 O. Physical illness, including but not limited to,  
20 deterioration through the aging process, or loss of motor  
21 skill which results in the inability to practice the  
22 profession with reasonable judgement, skill or safety.

23 P. Solicitation of professional services other than  
24 permitted advertising.

25 Q. Having professional connection with or lending  
26 one's name, directly or indirectly, to any illegal

1 practitioner of veterinary medicine and surgery and the  
2 various branches thereof.

3 R. Conviction of or cash compromise of a charge or  
4 violation of the Harrison Act or the Illinois Controlled  
5 Substances Act, regulating narcotics.

6 S. Fraud or dishonesty in applying, treating, or  
7 reporting on tuberculin or other biological tests.

8 T. Failing to report, as required by law, or making  
9 false report of any contagious or infectious diseases.

10 U. Fraudulent use or misuse of any health certificate,  
11 shipping certificate, brand inspection certificate, or  
12 other blank forms used in practice that might lead to the  
13 dissemination of disease or the transportation of diseased  
14 animals dead or alive; or dilatory methods, willful  
15 neglect, or misrepresentation in the inspection of milk,  
16 meat, poultry, and the by-products thereof.

17 V. Conviction on a charge of cruelty to animals.

18 W. Failure to keep one's premises and all equipment  
19 therein in a clean and sanitary condition.

20 X. Failure to provide satisfactory proof of having  
21 participated in approved continuing education programs.

22 Y. Failure to (i) file a return, (ii) pay the tax,  
23 penalty, or interest shown in a filed return, or (iii) pay  
24 any final assessment of tax, penalty, or interest, as  
25 required by any tax Act administered by the Illinois  
26 Department of Revenue, until the requirements of that tax

1 Act are satisfied.

2 Z. Conviction by any court of competent jurisdiction,  
3 either within or outside this State, of any violation of  
4 any law governing the practice of veterinary medicine, if  
5 the Department determines, after investigation, that the  
6 person has not been sufficiently rehabilitated to warrant  
7 the public trust.

8 AA. Promotion of the sale of drugs, devices,  
9 appliances, or goods provided for a patient in any manner  
10 to exploit the client for financial gain of the  
11 veterinarian.

12 BB. Gross, willful, or continued overcharging for  
13 professional services, including filing false statements  
14 for collection of fees for which services are not rendered.

15 CC. Practicing under a false or, except as provided by  
16 law, an assumed name.

17 DD. Fraud or misrepresentation in applying for, or  
18 procuring, a license under this Act or in connection with  
19 applying for renewal of a license under this Act.

20 EE. Cheating on or attempting to subvert the licensing  
21 examination administered under this Act.

22 FF. Using, prescribing, or selling a prescription drug  
23 or the extra-label use of a prescription drug by any means  
24 in the absence of a valid veterinarian-client-patient  
25 relationship.

26 GG. Failing to report a case of suspected aggravated

1 cruelty, torture, or animal fighting pursuant to Section  
2 3.07 or 4.01 of the Humane Care for Animals Act or Section  
3 26-5 of the Criminal Code of 1961.

4 HH. Violating any provision of the Internet  
5 Prescribing Prohibition Act.

6 2. The determination by a circuit court that a licensee or  
7 certificate holder is subject to involuntary admission or  
8 judicial admission as provided in the Mental Health and  
9 Developmental Disabilities Code operates as an automatic  
10 suspension. The suspension will end only upon a finding by a  
11 court that the patient is no longer subject to involuntary  
12 admission or judicial admission and issues an order so finding  
13 and discharging the patient; and upon the recommendation of the  
14 Board to the Director that the licensee or certificate holder  
15 be allowed to resume his practice.

16 3. All proceedings to suspend, revoke, place on  
17 probationary status, or take any other disciplinary action as  
18 the Department may deem proper, with regard to a license or  
19 certificate on any of the foregoing grounds, must be commenced  
20 within 3 years after receipt by the Department of a complaint  
21 alleging the commission of or notice of the conviction order  
22 for any of the acts described in this Section. Except for  
23 proceedings brought for violations of items (CC), (DD), or  
24 (EE), no action shall be commenced more than 5 years after the  
25 date of the incident or act alleged to have violated this  
26 Section. In the event of the settlement of any claim or cause

1 of action in favor of the claimant or the reduction to final  
2 judgment of any civil action in favor of the plaintiff, the  
3 claim, cause of action, or civil action being grounded on the  
4 allegation that a person licensed or certified under this Act  
5 was negligent in providing care, the Department shall have an  
6 additional period of one year from the date of the settlement  
7 or final judgment in which to investigate and begin formal  
8 disciplinary proceedings under Section 25.2 of this Act, except  
9 as otherwise provided by law. The time during which the holder  
10 of the license or certificate was outside the State of Illinois  
11 shall not be included within any period of time limiting the  
12 commencement of disciplinary action by the Department.

13 4. The Department may refuse to issue or take disciplinary  
14 action concerning the license of any person who fails to file a  
15 return, to pay the tax, penalty, or interest shown in a filed  
16 return, or to pay any final assessment of tax, penalty, or  
17 interest as required by any tax Act administered by the  
18 Department of Revenue, until such time as the requirements of  
19 any such tax Act are satisfied as determined by the Department  
20 of Revenue.

21 5. In enforcing this Section, the Board, upon a showing of  
22 a possible violation, may compel a licensee or applicant to  
23 submit to a mental or physical examination, or both, as  
24 required by and at the expense of the Department. The examining  
25 physicians or clinical psychologists shall be those  
26 specifically designated by the Board. The Board or the

1 Department may order (i) the examining physician to present  
2 testimony concerning the mental or physical examination of a  
3 licensee or applicant or (ii) the examining clinical  
4 psychologist to present testimony concerning the mental  
5 examination of a licensee or applicant. No information shall be  
6 excluded by reason of any common law or statutory privilege  
7 relating to communications between a licensee or applicant and  
8 the examining physician or clinical psychologist. An  
9 individual to be examined may have, at his or her own expense,  
10 another physician or clinical psychologist of his or her choice  
11 present during all aspects of the examination. Failure of an  
12 individual to submit to a mental or physical examination, when  
13 directed, is grounds for suspension of his or her license. The  
14 license must remain suspended until the person submits to the  
15 examination or the Board finds, after notice and hearing, that  
16 the refusal to submit to the examination was with reasonable  
17 cause.

18 If the Board finds an individual unable to practice because  
19 of the reasons set forth in this Section, the Board must  
20 require the individual to submit to care, counseling, or  
21 treatment by a physician or clinical psychologist approved by  
22 the Board, as a condition, term, or restriction for continued,  
23 reinstated, or renewed licensure to practice. In lieu of care,  
24 counseling, or treatment, the Board may recommend that the  
25 Department file a complaint to immediately suspend or revoke  
26 the license of the individual or otherwise discipline the

1 licensee.

2 Any individual whose license was granted, continued,  
3 reinstated, or renewed subject to conditions, terms, or  
4 restrictions, as provided for in this Section, or any  
5 individual who was disciplined or placed on supervision  
6 pursuant to this Section must be referred to the Director for a  
7 determination as to whether the person shall have his or her  
8 license suspended immediately, pending a hearing by the Board.  
9 (Source: P.A. 93-281, eff. 12-31-03.)".